

**MARGIE L. RICE**  
Mayor

**ANDY QUACH**  
Mayor Pro Tem

**FRANK G. FRY**  
Council Member

**KERMIT MARSH**  
Council Member

**TRI TA**  
Council Member



# **AGENDA**

## **CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING**

**July 23, 2008**

**6:00 – Council Conference Room**

**7:00 p.m. – Council Chambers**

**8200 WESTMINSTER BOULEVARD  
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

## **AGENDA INFORMATION**

### **MEETINGS**

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

### **AGENDA INFORMATION**

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

### **PUBLIC COMMENTS**

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

**To address the City Council/Redevelopment Agency on any matter**, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

### **AGENDA ON THE INTERNET:**

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

### **TELEVISED MEETING SCHEDULE**

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

### **PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT**

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

# **AGENDA**

July 23, 2008

**6:00 P.M.**  
**CLOSED SESSION**

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY  
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

## **CALL TO ORDER:**

## **ROLL CALL**

PRESENT:

ABSENT:

## **CLOSED SESSION:**

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a); Existing Litigation: Woody Bragassa v. City of Westminster; Tenna Chon v. City of Westminster; Marcus Frank v. City of Westminster; and Somer Fox v. City of Westminster (Workers' Compensation cases).
- 2) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8  
Property: 14452 Chestnut, Westminster  
Agency Negotiators: Ray Silver, Executive Director; Tami Piscotty, Assistant to the City Manager  
Negotiating Parties: Le Thao  
Under Negotiation: Price and Terms of Payment
- 3) Pursuant to Government Code Section 54957: Public Employee Appointment: Director of Community Development

## **RECESS:**

# **AGENDA**

July 23, 2008

**7:00 P.M.**

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

## **RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**ROLL CALL:** RICE, QUACH, FRY, MARSH, TA

PRESENT:

ABSENT:

**SALUTE TO FLAG:** Mayor Pro Tem Quach

**INVOCATION:**

## **REPORT OUT OF CLOSED SESSION:**

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

## **SPECIAL PRESENTATIONS:**

- A. Recognition of Mayor's Ball Sponsors
- B. Report from Orange County Vector Control on West Nile Virus

## **REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS**

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

# AGENDA

July 23, 2008

## 1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

### APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of June 11, 2008 and June 25, 2008.** (Marian Contreras)

RECOMMENDATION: Approve.

### ROUTINE MATTERS

- 1.2 **(City/Agency) Renewal of Consulting Services Agreement with Comprehensive Housing Services, Inc. to continue to administer a variety of housing services in FY 2008-09.** (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board approve the renewal of Consulting Services Agreement with Comprehensive Housing Services, Inc for FY 2008-09; and authorize the City Manager/Executive Director to execute the Agreement on behalf of the City and Agency.

- 1.3 **Designation of Colette's Children's Home as a Community Housing Development Organization (CHDO) for the City of Westminster.** (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the designation of Colette's Children's Home as a Community Housing Development Organization and authorize the City Manager to execute the required HUD document for submittal to HUD.

# AGENDA

July 23, 2008

## 1. CONSENT CALENDAR (Continued)

### 1.4 Purchase Order for Police Department Software Updates and Maintenance with Cyrun Corporation for FY 2008-09. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Cyrun Corporation, a sole source vendor, for police department dispatching, records management, and Alliance PD Central software updates and maintenance in an amount not to exceed \$40,000.

### 1.5 Hoover Park Extension Conceptual Design. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Hoover Park Extension Conceptual Design.

### 1.6 Disposal and Sale of City-Owned Property (Abandoned Well Site) at Bedford Lane (APN 098-271-25), and Quit Claim Two Unneeded Easements Around the Property (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the disposal and sale of the subject property to the two adjacent property owners, Tu T. Doan of 9021 Oasis Avenue, and Eric Ngo of 9031 Oasis Avenue;
- 2) Quit claim two easements associated with the Bedford Lane well site; and
- 3) Authorize the Mayor to execute the Purchase and Sale Agreements and Quit Claim Deeds on behalf of the City.

### 1.7 Contract Change Order for City-Wide CTB 05-06-07 Project. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a contract change order to All American Asphalt in the amount of \$60,000 for City-Wide 05-06-07 project.

### 1.8 Professional Services Contract with Hugo Morales, Video/Audio Engineer for Fiscal Year 2008-2009. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the contract with Hugo Morales in an amount not to exceed \$25,000 for the period July 1, 2008 through June 30, 2009, and authorize the City Manager to execute the contract on behalf of the City.

# AGENDA

July 23, 2008

## 1. CONSENT CALENDAR (Continued)

### 1.9 Option Year Renewal for Ambulance Billing Services for FY 2008-09. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the option year renewal of the contract with Chupan Medical Computer Services (CMCS) in an amount not to exceed \$135,000 for the fiscal year 2008-09.

### 1.10 Extension of contractual services agreement with Melad & Associates to provide plan check and inspection services for fiscal year 2008-09. (Soroosh Rahbari)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order in an amount not to exceed \$60,000 for Melad & Associates to provide services for fiscal year 2008-09.

## ORDINANCES (SECOND READING)/RESOLUTIONS

### 1.11 Scheduling of Joint Public Hearing on the 2008 Amendment to the Redevelopment Plan for the Westminster Infrastructure Project. (Tami Piscotty)

RECOMMENDATION: Staff recommends that the Mayor and City Council receive and file the report on the status of the proposed 2008 Amendment to the Redevelopment Plan for the Westminster Infrastructure Project. adopt Resolution No. 4170 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Consenting To and Calling a Joint Public Hearing on the Proposed Adoption of the 2008 Amendment to the Redevelopment Plan for the Westminster Infrastructure Revitalization Project (Amendment Area No. 5)", and,

RECOMMENDATION: Staff recommends that the Chair and Agency Board adopt Resolution No.193 entitled, "A Resolution of the Chair and Agency Board of the Westminster Redevelopment Agency Consenting To and Calling a Joint Public Hearing on the Proposed Adoption of the 2008 Amendment to the Redevelopment Plan for the Westminster Infrastructure Revitalization Project (Amendment Area No. 5)".

## ADMINISTRATIVE ITEMS

### 1.12 Fee Waiver Request from Boy Scouts and Girl Scouts for Use of the East/West Room at the Community Center. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the request for a Court of Honor event at the Community Center on Sunday, September 14<sup>th</sup> from 11 am – 5 pm.

# AGENDA

July 23, 2008

## 1. CONSENT CALENDAR (Continued)

### WARRANT REGISTER

- 1.13 (City Council/Redevelopment Agency) Warrant Register dated July 2 through 15, 2008. (Paul Espinoza)

RECOMMENDATION: Approve.

### INFORMATION AND REPORTS

- 1.14 Minutes of the Planning Commission meeting held June 18, 2008. (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.15 Community Development Monthly Activity Report – June, 2008. (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.16 Minutes of the Energy Committee Meeting held July 3, 2008. (Don Anderson)

RECOMMENDATION: Receive and file.

### END OF CONSENT CALENDAR

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## 2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED GREEN FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.



# AGENDA

July 23, 2008

## 3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

### 3.1 The actions of the Planning Commission meeting held on July 16, 2008.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of July 16, 2008.

- 1) Case 2007-83 a Site Plan and Design Review for a construction of recreational clubhouse and leasing office at 14452 Goldenwest Street.
- 2) Case 2008-33 a Tentative Parcel map and Variance to subdivide a parcel into two parcels and variances from development standards involving a previously approved development (currently under construction) consisting of retail and self storage at the northeast corner of Beach Boulevard and Edinger Avenue
- 3) Case 2008-27 a code amendment to Title 16 to require the payment of park in-lieu fees prior to the issuance of building permits instead of certificate of occupancy.

## 4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

**NOTE:** IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

# AGENDA

July 23, 2008

## 4. PUBLIC HEARINGS (Continued)

### 4.1 CASE NO. 2008-08 – (CONDITIONAL USE PERMIT) – APPEAL OF PLANNING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT TO ALLOW ENTERTAINMENT AT AN EXISTING RESTAURANT THAT SERVES BEER AND WINE AT 15579 BROOKHURST STREET (A.P. NUMBER 143-142-07; APPLICANT/APPELLANT: DAISY VAN KIM. (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4169 entitled: "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's denial of a Conditional Use Permit (CUP) to allow entertainment at an existing restaurant that serves beer and wine located at 15579 Brookhurst Street (Assessor's Parcel Number 143-142-07) (Case No. 2008-08)."

### 4.2 WEED ABATEMENT COST REPORT – FALL 2007 AND SPRING 2008. (Marwan Youssef)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Receive and confirm the cost report;
- 2) Adopt Resolution No. 4168 entitled, "A Resolution of the Mayor and City Council of the City of Westminster confirming report of cost of weed abatement, Fall 2007 and Spring 2008 on lots within the City of Westminster", and
- 3) Authorize the City Clerk to submit the report to the County Assessor and County Tax Collector.

# AGENDA

July 23, 2008

## 5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

### 5.1 Council/Agency Member Items

### 5.2 AB 1234 Reports

## 6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

### 6.1 **Transfer Funds from the Water Utility Restricted/Unrestricted Fund to the Utility Production and Supply Water Conservation Fund.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a budget transfer of \$13,102 from the Water Utility Restricted/Unrestricted fund balance to Utility Production and Supply Water Conservation.

### 6.2 **Increase Police Budget to Include Funds Donated by Interval House to Assist the Family Protection Unit.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an increase to the Police Department fiscal year 2008-09 budget by \$10,000 authorizing the transfer of funds as follows:

- a) General Fund Undesignated Unreserved Fund Balance to the Computer Equipment Account in the amount of \$8,500.61; and
- b) General Fund Undesignated Unreserved Fund Balance to the Special Department Expenses Account in the amount of \$1,499.39.

### 6.3 **(City/Agency) New Police Building Architectural and Engineering Contract Amendment.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 1 to the Agreement for Professional Architectural/Engineering Services with DMJM H&N in an amount not to exceed \$966,995.000 for additional services to be included in the scope of work, and authorize the City Manager to execute the amendment on behalf of the City.

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve a budget transfer in the amount of \$300,000 from the Redevelopment Operating Fund Contingency to the Capital Improvement Project – Police Facility Construction.

# AGENDA

July 23, 2008

## **6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)**

### **6.4 Second Amendment to the Catering and Concession Services Agreement for the Westminster Rose Center. (Paul Espinoza)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Second Amendment to the Agreement with Crystal Consulting and Management, Inc. dba Crystal Rose Catering, and authorize the City Manager to execute the amendment on behalf of the City.

### **6.5 City-Wide Electronic Document Management System (EDMS) and Scanning and Indexing Services. (Marian Contreras)**

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Award a contract to ECS Imaging, Inc. in an amount not to exceed \$130,000 for the purchase, installation and customization of Laserfiche software for the City's City-Wide Electronic Content Management System (ECMS) and Electronic Document Management System (EDMS); and
- 2) Award a contract to American Microlmaging (AMI) in an amount not to exceed \$550,000 for scanning, indexing and quality checking services.
- 3) Authorize a purchase order to Hewlett-Packard in the amount of \$19,288.60 for the purchase of a fileserver and backup system.

## **7. WRITTEN COMMUNICATIONS (Public) –None.**

## **8. LEGISLATIVE ITEMS –None.**

## **9. COMMISSION AND COMMITTEE ITEMS**

### **9.1 Appointment to the Traffic Commission (Mayor Rice's Appointee)**

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint a member to serve on the Traffic Commission for a term ending November, 2008.

### **9.2 Appointment of a Regular Member to the Cultural Arts Commission (Mayor Rice's Appointee)**

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint a regular member to serve on the Cultural Arts Commission for a term ending November, 2008.

# AGENDA

July 23, 2008

10. **COUNCIL/AGENCY ADJOURNMENT:** To Monday, July 28, 2008 at 5:00 p.m. in the Council Chambers, 8200 Westminister Boulevard, Westminister, California for the purpose of an update on the progress of the new police facility.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

*Marian Contreras*

Marian Contreras, City Clerk/Agency Secretary